

Rex Shannon

From: Rex Shannon
Sent: Thursday, September 22, 2022 1:06 PM
To: Ari Savitzky; bradley.heard@splcenter.org; Joshua Tom; Rethy, Isaac; jade.morgan@splcenter.org; jyoungwood@stblaw.com; Lakyn Collier; leslie.jones@splcenter.org; Patricia Yan; Sophia Lakin; External - Vara Lyons
Cc: Gerald Kucia; Lindsay Dowdle; mbw@wisecarter.com
Subject: Good Faith Communication; White v. SBEC

GOOD FAITH COMMUNICATION

Ari,

In follow-up to recent correspondence, I write in good faith to address continuing deficiencies in Plaintiffs' discovery responses in this matter, as follows:

1. Plaintiffs have objected or otherwise deferred response to numerous interrogatories and requests for production of documents on the grounds that responsive information and documents will be the subject of expert witness disclosures. We do not agree that Plaintiffs have no obligation to disclose the factual evidence on which they rely until you present your expert reports, but in reliance on the aforementioned representations, we will in good faith agree to await receipt of your clients' expert witness disclosures due on October 3, 2022. We reserve the right to thereafter address any deficiencies that may remain outstanding.
2. Interrogatory No. 3 asks Plaintiffs to identify individuals upon whom they may rely who have knowledge of facts or discoverable information relevant to their claims. Rule 26(a)(1)(A)(i) likewise required Plaintiffs long ago to identify individuals having information that Plaintiffs "may use to support [their] claims."

In their supplemental response to Interrogatory No. 3, Plaintiffs state that "there are numerous individuals with knowledge of matters relevant to this case," including unspecified members of the legislature, legislative staff, present and past justices of the Mississippi Supreme Court and their staffs, campaign workers, the staff of Defendants and their predecessors, and voters who reside in District 1. Plaintiffs' supplemental response does not identify any such individuals by name. Plaintiffs advise that they "will disclose the names of any particular witnesses they intend to call at trial consistent with the Federal Rules of Civil Procedure." However, Interrogatory No. 3 does not seek the names of trial witnesses, which is a separate inquiry entirely.

There is obviously no way your clients may use half a million witnesses to support their claims. At the outset, you had a known group of witnesses who had knowledge to support Plaintiffs' claims, or Rule 11 would not have permitted you to file the complaint. Revealing the witnesses on whom you may rely does not obligate you to put them on your witness list in the pretrial order. It does allow the defendants to discover the information such witnesses have which may support Plaintiffs' claims. We cannot identify or prepare fact witnesses or expert witnesses when we know no more about the evidence relevant to Plaintiffs' claims than we did the day you filed the complaint.

Please supplement Plaintiffs' response to Interrogatory No. 3 to provide the information requested.

3. Plaintiffs' supplemental interrogatory responses are not sworn. Please provide a copy of the sworn supplemental interrogatory responses.

Thank you for your continued attention to this matter. We look forward to hearing from you.



Regards,
Rex

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